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May 13, 2011

**VIA ELECTRONIC & US MAIL**

Ms. Stephanie Vaughn  
Ms. Alice Yeh  
ATTN: Lower Passaic River Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. EPA, Region 2  
290 Broadway, 19th Floor  
New York, New York 10007

**Re: Monthly Progress Report No. 48 – April 2011  
Lower Passaic River Study Area (LPRSA) Remedial Investigation/  
Feasibility Study (RI/FS)  
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn and Ms. Yeh:

**de maximis, inc.** is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

**(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.**

**Meetings/Conference Calls**

- On April 15, CPG representatives participated in an orientation and training session for EPA's new SharePoint Digital Library system for project documents.
- On April 26, an EPA/CPG modeling subgroup meeting was conducted.

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### **Correspondence**

- On April 1, CPG provided a schedule of deliverables for the LPRSA RI/FS to EPA.
- On April 5, CPG submitted the summer/fall 2010 Avian Survey Summary Report to EPA.
- On April 6, EPA informed CPG that it planned on providing comments on the summer/fall 2010 Avian Survey Summary Report in mid-May before the next Avian Survey.
- On April 7, EPA provided comments on the Habitat Survey Report to CPG.
- On April 14, EPA submitted a response letter to CPG regarding the invitation from CPG to provide input to the peer review panel for a Creel-Angler Survey.
- On April 15, CPG submitted the Monthly Progress Report to EPA.
- On April 15, CPG submitted responses to EPA comments on the Small Volume (SV) Chemical Water Column Monitoring (CWCM) QAPP to EPA.
- On April 15, CPG provided updates to EPA on the Caged Bivalve Study (CBS) inspection activities.
- On April 15, CPG submitted a letter to EPA indicating their willingness to undertake additional sampling to characterize sediments located near River Mile 10.9.
- On April 19, EPA responded to CPG's March 21, 2011 letter proposing a collaborative process between the CPG and EPA modeling teams for the development and completion of the LPR/Newark Bay modeling program.
- On April 21, CPG provided input to the proposed agenda for the April 26 EPA/CPG modeling subgroup meeting.
- On April 27, EPA provided CPG with revised Low Resolution Coring dioxin electronic data deliverable (EDD) files and Data Transfer Memo describing the process used to apply the adjustments and create the revised dioxin EDD.
- On April 28, EPA and CPG subcontractors exchanged emails regarding the 2010 small forage fish collection data.

### **Work**

- CPG conducted the Day 35 CBS check of the caged bivalves at the estuarine locations on April 13 and at the freshwater locations on April 14. All mussels were checked for survival and none were sacrificed for health assessment.
- CPG continued addressing comments on the Bathymetry Survey Report for the June 2010 Multibeam Survey.

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- CPG continued to develop responses to EPA comments on the SV CWCM QAPP and submitted responses to these comments on April 15.
- CPG continued planning activities for the High Volume CWCM QAPP Addendum.
- CPG continued reviewing and responding to EPA's comments on the risk assessment planning documents (Background/Reference Site, Data Usability and Data Evaluation Plan, and Toxicity Reference Value documents).
- CPG reviewed and initiated responding to EPA's April 7 comments on the Habitat Survey Report.
- CPG Modeling Team continued work of validation of the Hydrodynamic Model for the spring 2010 Physical Water Column Monitoring (PWCM) survey and wave analysis and model validation. Efforts to develop calibration curves for OBS-SSC and ABS-SSC were discussed with EPA and EPA consultants at the April 26 meeting.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for low-flow conditions utilizing CPG input files.
- CPG Modeling Team provided graphics of Sedflume data analysis, initial conditions, code version and inputs derived for ECOM-SEDZLJ high-flow calibration to EPA and EPA consultants at the April 26 meeting.
- CPG continued drafting of the winter/spring 2010 Fish Community Survey field report.
- CPG completed drafting of the summer/fall 2010 Avian Survey field report and document was submitted to EPA on April 5.
- CPG continued drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG continued responding to EPA comments on spring 2010 Benthic Community Survey field report.
- CPG continued drafting of the summer 2010 Benthic Community Survey field report.
- CPG continued drafting of the summer/fall 2009 Fish/decapod Tissue Data Report.
- CPG continued drafting of the fall 2009 Benthic Sediment and 2010 Co-located Sediment Chemistry Data Report.
- CPG continued drafting of the fall 2009 Benthic Bioaccumulation Tissue Data Report.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG initiated development of a FS cost estimating framework.

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**(b) Results of Sampling and Tests**

- On April 15, CPG provided files to the EPA comprising the April 2011 submittal of the final 2010 small foraging fish tissue sampling data and revised validation results for select data from the 2009 benthic sediment and 2009 fish/decapod tissue sampling results.

**(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion**

- CPG will complete addressing comments on the Bathymetry Survey Report for the June 2010 Multibeam Survey.
- CPG will continue drafting of the winter/spring 2010 Fish Community Survey field report.
- CPG will continue drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG will continue responding to EPA comments on the spring 2010 Benthic Community Survey field report.
- CPG will continue drafting of the summer 2010 Benthic Community Survey field report.
- CPG will continue drafting of the 2009 summer and fall Fish/Decapod Tissue Data Report.
- CPG will continue drafting of the summer/fall 2009 Fish/decapod Tissue Data Report.
- CPG will continue drafting of the fall 2009 Benthic Sediment and 2010 Co-located Sediment Chemistry Data Report.
- CPG will continue drafting of the fall 2009 Benthic Bioaccumulation Tissue Data Report.
- CPG will initiate drafting of the 2010 Small Foraging Fish Tissue Chemistry Data Report.
- CPG will conduct the spring Avian Survey.
- CPG will continue field work (cage checks) for the CBS.
- CPG will continue to revise the risk assessment planning documents (Background/Reference Site, Data Usability and Data Evaluation Plan, and Toxicity Reference Value documents) in response to EPA comments.
- CPG will revise the Habitat Survey Report in response to EPA comments.
- CPG will initiate preparations for the first SV CWCM monitoring event.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.

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- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and low to medium flow calibration and continue work with the RCATOX code and inputs for initial setup.
- CPG will participate in LPR/New Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.
- CPG will initiate planning for characterization of sediment located at RM 10.9.

**(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.**

- Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. EPA has informed the CPG that the revised SEDZLJS code, revised input files or calibration model output will be provided to the CPG in April 2011. As such, the CPG is continuing to work on its high flow calibration and is beginning work on its long-term daily calibration; however, a detailed update of EPA's current status with the previously mentioned documentation would greatly assist the CPG to continue its collaboration with the EPA Modeling Team as directed by EPA in its February 18, 2010 letter. CPG acknowledges receipt of EPA's revised RCATOX code as well as the associated input and output files on March 1, 2011. Extension of the sediment transport modeling and chemical fate transport modeling schedules will extend the completion of the LPRSA RI/FS.
- The CPG is in the process of resolving EPA's November 4, 2010 comments on the draft Small Volume CWCM QAPP; a response to comments was submitted to EPA on April 15. As a result of the additional requirements identified by EPA and the onset of winter, the implementation of the first sampling event will be delayed until the early summer of 2011. Furthermore, the EPA requests regarding additional sampling locations in Newark Bay will result in significant increases in logistical complexity to the project without a clear need explained in the comments. The delays associated with both the Small Volume CWCM and CSO (see below) Programs are likely to extend the completion of the RI/FS.

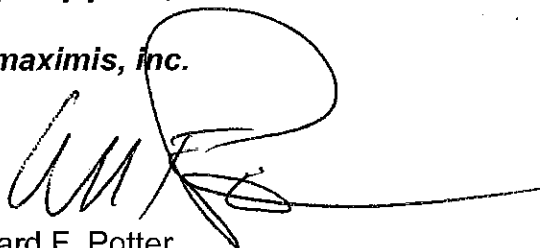
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- The delay in EPA's approval of Tierra's CSO/SWO Workplan is anticipated to impact the completion of the LPRSA RI/FS. The extent of the schedule impact is dependent on resolution of EPA's comments on the draft CSO/SWO Workplan and when the Phase 1 work is implemented.
- In the CPG's November 19, 2010 response to EPA's November 5, 2010 risk assessment planning directive letter, the CPG agreed to revise the risk assessment planning documents consistent with EPA's September 10, 2010 comments. Resolution of responses to EPA's comments is required prior to the CPG's revision of the risk planning documents. The revised risk assessment planning documents were submitted to EPA on February 10. The CPG met with EPA on February 15 to discuss reference and background approaches. The CPG presented its review of regional data sets and was asked by EPA to review additional data in areas outside the NY/NJ Harbor Complex.
- The revisions to the LRC Report directed by EPA in its June 2010 and January 2011 comment letters are currently being conducted by the CPG. As a result of the EPA-CPG February 24 teleconference and in response to January 2011 Specific Comment 1, EPA as provided the CPG with: 1) original Axys PCDD/PCDF split results EDD; 2) EQA Data Validation reports; 3) adjusted CDM MEDD; and 4) guidance on how to document the adjustment in form of a data qualifier or specific method code. As the CPG stated during the February 24 teleconference, a revised LRC Report can be submitted approximately 45 days following the receipt of these items; the CPG received from EPA items 1, 2, and 4 as of March 31, 2011 and received item 3 on April 27, 2011. The planned submittal date for the revised LRC report is June 17.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

**de maximis, inc.**



Willard F. Potter  
Project Coordinator

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cc: Pat Hick, EPA Office of Regional Counsel  
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